



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,475	05/15/2001	Naomi Go	206677US6	8087

22850 7590 09/14/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LIN, KENNY S

ART UNIT PAPER NUMBER

2152

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/854,475	Applicant(s) GO, NAOMI	
	Examiner Kenny Lin	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-10 are presented for examination. Claims 1-6 and 11-17 are withdrawn.

Claims 18-20 are canceled.

2. This application contains claims 1-6 and 11-17 drawn to an invention nonelected with traverse in paper submitted on 9/27/2004. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US 6,711,154, in view of Calvert, US 6,526,275.

5. O'Neal and Calvert were cited in the previous office action.

6. As per claims 7 and 9, O'Neal taught the invention substantially as claimed including an information-processing apparatus and method, comprising:

- a. An interface configured to control an operation to input transmitted information (col.8, lines 37-67) on a first transmission destination (e.g., voice information delivered to telephone), a second transmission destination (e.g., text delivered to email) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61); and
 - b. A transmission controller configured to control transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission destination to said information-presenting apparatus (col.7, lines 59-67, col.8, lines 1-7, col.11, lines 2-12, 14-45).
7. O'Neal did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-

Art Unit: 2152

16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information, using data messages, to the determined geographic location of the transmission destination enables O'Neal's messaging notification program to obtain data messages containing product or services availability and other information of nearby locations in real-time as a type of received messages in O'Neal's program (see Calvert, col.3, lines 46-66, col.10, lines 33-49).

8. As per claim 8, O'Neal and Calvert taught the invention substantially as claimed in claim 7. O'Neal further taught said interface further controls an operation to input transmission-method information indicating a first transmission method for said first transmission destination and a second transmission method for said second transmission destination, whereas said transmission control means is capable of controlling transmission of information on transmission methods to said information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information, using data messages, to the determined geographic location of the transmission destination enables O'Neal's messaging notification program to obtain data messages containing product or services availability and other information of nearby locations in real-time as a type of received messages in O'Neal's program (see Calvert, col.3, lines 46-66, col.10, lines 33-49).

9. As per claim 10, O'Neal taught the invention as claimed including a program-storing medium for storing a computer-executable program, which when executed by a computer causes the computer to perform an information processing method, comprising:

- a. An input control step of controlling an operation to input transmitted information (col.8, lines 37-67) on a first transmission destination (e.g., voice information delivered to telephone), a second transmission destination (e.g., text delivered to email) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61); and
- b. A transmission control step of controlling transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission destination to said information-presenting apparatus (col.7, lines 59-67, col.8, lines 1-7, col.11, lines 2-12, 14-45).

10. O'Neal did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second

Art Unit: 2152

transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information, using data messages, to the determined geographic location of the transmission destination enables O'Neal's messaging notification program to obtain data messages containing product or services availability and other information of nearby locations in real-time as a type of received messages in O'Neal's program (see Calvert, col.3, lines 46-66, col.10, lines 33-49).

11. Claim 10 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Akester et al (hereinafter Akester), WO 97/37499, published on October 9, 1997, in view of Calvert, US 6,526,275.

12. Akester was cited in the previous office action.

13. As per claim 10, Akester taught the invention as claimed including a program-storing medium for storing a computer-executable program, comprising:

Art Unit: 2152

- a. An input control step of controlling an operation to input transmitted information on a first transmission destination (e.g., voice message service), a second transmission destination (e.g., office telephone number) and a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (page 1, lines 19-33, page 7, lines 12-19, page 21, lines 7-10, 29; priorities or confidence value CV); and
- b. A transmission control step of controlling transmission of information on said first transmission destination, said second transmission destination and a criterion for selecting either said first transmission destination or said second transmission destination to said information-presenting apparatus (page 6, lines 9-21, page 7, lines 1-11, page 21, lines 20-22).

14. Akester did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location of at least one of the transmission destinations based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of

Art Unit: 2152

at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Akester and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables Akester's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

Response to Arguments

15. Applicant's arguments filed 7/3/2006 have been fully considered but they are not persuasive.

16. In the remark, applicant argued that (1) Calvert fails to teach "said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations." Recited in claim 7 that the criteria information is used to select either a first transmission destination or a second transmission destination. Calvert does not use the determined geographic location information to select either a first transmission or second transmission destination. (2) No motivation to combine O'Neal and Calvert.

17. Examiner traverse the argument:

As to point (1), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In*

Art Unit: 2152

re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). O'Neal taught a criterion for selecting either said first transmission destination or said second transmission destination from an information-presenting apparatus (col.8, lines 37-67, col.9, lines 16-20, 28-31, 33-67, col.10, lines 1-32, col.11, lines 2-12, 14-45, col.12, lines 45-46, 51-61). O'Neal did not specifically teach that said criteria includes information corresponding to a geographic location of at least one of the first and second transmission destinations and said information-presenting apparatus is configured to store and transmit commodity information corresponding to the geographic location of at least one of said first and second transmission destinations based on a determined geographic location of the at least one of said first and second transmission destinations. Calvert taught an information-presenting apparatus to store and transmit commodity information corresponding to the geographic location **of at least one of the first and second transmission destinations** based on a determined geographic location of the at least one of the transmission destinations (col.3, lines 18-34, col.7, lines 57-66, col.8, lines 1-14, col.9, lines 13-16) and that the apparatus includes criteria information corresponding to a geographic location of at least one of the transmission destinations (col.7, lines 53-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O'Neal and Calvert because Calvert's method of providing commodity information to the determined geographic location of the transmission destination enables O'Neal's program to obtain availability and other information for products or services of nearby locations in real-time (see Calvert, col.3, lines 46-66).

Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use the

Art Unit: 2152

determined geographic location information to select either a first transmission or second transmission destination) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Calvert reference read on the claim language of “criteria includes information corresponding to a geographic location of at least one of the first and second transmission destination” since Calvert taught to include a geographic location of a transmission destination.

As to point (2), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation can be found in the references. Since O’Neal taught a message notification system for receiving message originating from a plurality of message sending devices (see O’Neal, col.4, lines 1-6) and Calvert taught to transmit data messages to inform users of commodity information (col.3, lines 46-66, col.10, lines 33-49), the two inventions can be combined and used together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of O’Neal and Calvert because Calvert’s method of providing commodity information, using data messages, to the determined geographic location of the transmission destination enables O’Neal’s messaging notification program to obtain data messages containing product or services availability and

Art Unit: 2152

other information of nearby locations in real-time as a type of received messages in O'Neal's program (see Calvert, col.3, lines 46-66, col.10, lines 33-49).

Claims 7-10 remain rejected under the 35 U.S.C. 103(a) rejection of O'Neal in view of Calvert.

Since the remark did not raise any argument regarding claim 10 rejection under 35 U.S.C. 103(a) over Akester in view of Calvert, thus, Claim 10 stand rejected under Akester in view of Calvert in additional to the rejection of O'Neal and Calvert.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

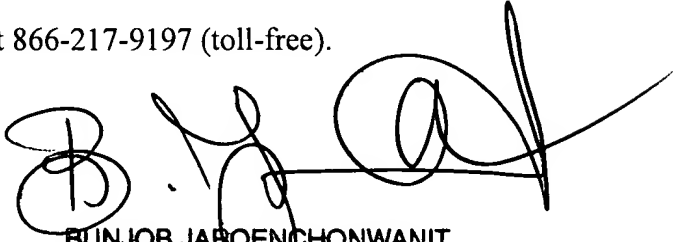
19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
September 11, 2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER